

Application Number 09/938,144  
Responsive to Office Action mailed March 1, 2006

### **REMARKS**

This amendment is responsive to the Office Action dated March 1, 2006. With this Amendment, Applicant added claims 24-28 and canceled claims 7-9. Applicant reserves the right to file a divisional application regarding the subject matter of claims 7-9. Claims 1-6 and 16-28 are pending.

### **Claim Rejection Under 35 U.S.C. § 103**

In the Office Action, claims 1-6 and 16-23 are rejected under 35 U.S.C. § 103(a) as obvious over Hacker, *MP3: The Definitive Guide*, published March 2000 (hereinafter "Hacker") in view of Bruner et al. (USPN 6,212,588). Applicant respectfully traverses the rejection. The applied references fail to disclose or suggest the inventions defined by Applicant's claims, and provide no teaching that would have suggested the desirability of modification to arrive at the claimed invention.

### ***Claims 1-6***

In the rejection of claim 1, the Examiner acknowledged that Hacker fails to teach a PCB mounted to a baseplate and having a servo controller and CPU mounted to the PCB. The Examiner stated that Bruner et al. disclosed such elements.

However, the combination of Hacker and Bruner et al. does not teach the subject matter of claim 1. Instead, as stated by the Examiner on page 5 of the Office Action, by combining the cited disclosures, one of ordinary skill in the art would "obtain an improved integrated circuit operatively located in a host computer for controlling a mass storage [peripheral] device." While the Examiner did not use the term "peripheral" in the Office Action, this term is reasonably inserted into the Examiner's statement from Bruner et al. at column 2, lines 60-62. Bruner et al. at column 2, lines 60-62 is the passage relied upon by the Examiner to show a motivation to combine Bruner et al. with Hacker. With this passage, Bruner et al. clearly teaches that the mass storage peripheral device is separate from the integrated circuit operatively located in a host computer. This is different than claim 1, which requires a printed circuit board (PCB) fastened to the baseplate having a servo controller in combination with a central processing unit (CPU) mounted to the PCB running an operating system.

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For at least these reasons, Bruner et al. fails to overcome the deficiencies of Hacker with respect to the subject matter of claim 1. Applicants respectfully submit that the subject matter of claim 1 would not be prima facie obvious under 35 U.S.C. § 103(a) over Hacker in view of Bruner et al. Claims 2-6 are patentable over the cited prior art for at least the reasons independent claim 1 patentable as stated herein. Reconsideration and withdrawal of this rejection are respectfully requested.

#### **Claims 16 and 17**

Claims 16 and 17 are also rejected as obvious under 35 U.S.C. §103(a) over Hacker in view Bruner et al. However, claim 16 is directed to a PCB, a CPU mounted on the PCB and running an operating system, and a memory mounted on the PCB storing an application program. As described above with respect to claim 1, Bruner et al. teaches that the mass storage peripheral device is separate from the integrated circuit operatively located in a host computer. The cited references, whether considered alone or in combination, fail to teach or suggest mounting both a CPU running an operating system and memory storing an application program on the same PCB. For at least this reasons, claims 16-17 are not prima facie obvious under 35 U.S.C. § 103(a) over Hacker in view of Bruner et al. Reconsideration and withdrawal of this rejection are requested.

#### **Claims 18-23**

Claims 18-23 also stand rejected under 35 U.S.C. §103(a) as obvious over Hacker in view Bruner et al. Claim 18 is directed in pertinent part to a central processing unit and a memory mounted within a case forming a substantially sealed environment. A hard drive within an MP3 player as described by Hacker may include a housing that forms a sealed internal environment, but Hacker fails to teach or suggest that an MP3 player includes a central processing unit and a memory mounted within a case forming a substantially sealed environment. Likewise, Bruner et al. fail to disclose such a feature, and the Examiner has identified no teaching in the Bruner reference that would provide a skilled artisan motivation to modify the disclosure Hacker to incorporate such a feature. For at least these reasons, the Examiner has failed to establish that the subject matter of claims 18-23 is prima facie obvious under 35 U.S.C. §103(a) over Hacker in view of Bruner et al. Reconsideration and withdrawal of this rejection are requested.

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#### **New Claims**

Applicant has added claims 24-28 to the pending application. No new matter has been added by the new claims. Support for claim 24 may be found from, e.g., page 5, line 11 of the Applicant's disclosure. Support for claim 25 may be found from, e.g., page 9, lines 15-24 of the Applicant's disclosure. Support for claim 26 may be found from, e.g., original claim 1. Support for claim 27 may be found from, e.g., page 5, lines 1-14 of the Applicant's disclosure. Support for claim 28 may be found from, e.g., page 5, line 27 of the Applicant's disclosure.

#### **CONCLUSION**

All claims in this application are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of all pending claims. Applicant does not acquiesce with any of the Examiner's current rejections or characterizations of the prior art, and reserves the right to further address such rejections and/or characterizations.

Please charge any additional fees or credit any overpayment to deposit account number 50-1778.

The Examiner is invited to telephone the below-signed attorney to discuss this application.

Date:

By:

JUNE 27, 2006  
SHUMAKER & SIEFFERT, P.A.  
8425 Seasons Parkway, Suite 105  
St. Paul, Minnesota 55125  
Telephone: 651.735.1100  
Facsimile: 651.735.1102

  
Name: Daniel T. Lund  
Reg. No.: 58,614

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